

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<p>In re Application of:</p> <p>David Bostein et al.</p> <p>Patent No.: 6,472,585</p> <p>Issued: October 29, 2002</p> <p>For: CARDIOTROPHIN-1 DEFECTIVE MOUSE</p>	<p>Group Art Unit: 5740</p> <p>Examiner: WEHBE, Anne Marie Sabrina</p> <p>Confirmation No. 5740</p> <p>Customer No. 09157</p> <hr/> <p>Electronically Filed on October 31, 2006</p>
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TRANSMITTAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

On January 22, 2003, applicants filed a petition to correct inventorship and supporting documentation in this application. The petition was sent to the Corrections Branch. To date, no response has been received. Applicants herewith resubmit the petition and supporting documents filed January 22, 2003.

Enclosed are:

1. Copy of return post card, stamped as received on January 22, 2003.
2. Copy of Petition to Correct Inventorship Under 37 CFR §1.324(a).
3. Copy of return post card stamped as received on August 7, 2002.
4. Copy of Petition to Correct Inventorship Under 37 CFR §1.48(b).
5. Copy of Consent by Assignee to Correct Inventorship under 37 CFR §1.324(b)(3).
6. Copy of Statement in Support of Petition to Correct Inventorship in Patent Under 37 CFR §1.324(b)(2), in six (6) parts, duly executed.

Patent Docket No. P2533C1

Applicants request consideration of this petition.

Respectfully submitted,
GENENTECH, INC.

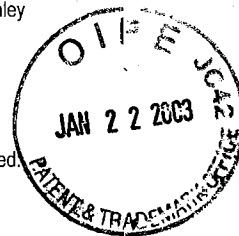
Date: October 31, 2006

By: /Deirdre L. Conley/
Deirdre L. Conley, Ph.D.
Reg. No. 36,487
Telephone No. (650) 225-2066

COPY

In re Application of: David Botstein et al.
U.S. Patent No.: 6,472,585
Issued: October 29, 2002
Serial No.: 09/648,183
Filed On: 25 August 2000
Mailed On: 22 January 2003

Docket No.: P2533C1
By: Deirdre L. Conley
Reg. No.: 36,487



The following has been received in the U.S. Patent Office on the date stamped:

- ☒ Petition to Correct Inventorship Under 37 CFR §1.324(a) (dup)
- ☒ Consent by Assignee to Correct Inventorship Under 37 CFR §1.324(b)(3)
- ☒ Statement in Support of Petition to Correct Inventorship Under 37 CFR §1.324(b)(2)
(12 pages)
- ☒ Certificate of Express Mailing
- ☒ Express Mail Label No.: EL 809 447 614 US

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COPY

Patent Docket P2533C1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of David Botstein et al. Patent No.: 6,472,585 Confirmation No. 5740 U.S. Ser. No. 09/648,183 Issued: October 29, 2002 For: CARDIOTROPHIN-1 DEFECTIVE MOUSE	Examiner: WEHBE, Anne Marie Sabrina EXPRESS MAIL LABEL NO.: EL 809 447 614 US DATE OF DEPOSIT: January 22, 2003
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PETITION TO CORRECT INVENTORSHIP UNDER 37 C.F.R. §1.324(a)

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

In accordance with the provisions of 37 CFR §1.324(a), and due to an error on the part of the U.S. Patent and Trademark Office, applicants petition the Commissioner to issue a certificate naming only the actual inventors in the above-identified patent. Applicants respectfully submit that, due to an error by the U.S. Patent and Trademark Office and through no fault of applicants, a Request to Correct Inventorship under 37 CFR § 1.48(b) submitted August 7, 2002 (copy and postcard enclosed) was not made of record in the instant application. As a result, the issued patent lists more than the actual inventors causing applicants to petition for correction under 37 CFR §1.324(a).

The contributions of David Botstein, Audrey Goddard, David A. Lawrence and Margaret Ann Roy are not claimed in the patent as it was amended during prosecution. As a result, this Petition proposes to change the inventorship of the above-identified patent to delete David Botstein, Audrey Goddard, David A. Lawrence and Margaret Ann Roy as co-inventors.

The correct and actual inventors of the amended patent are: Diane Pennica and William I. Wood.

This Petition to Correct Inventorship is accompanied by Statements from the currently named inventors under 37 CFR §1.324(b)(2). These Statements establish that the maintaining of David Botstein, Audrey Goddard, David A. Lawrence and Margaret Ann Roy's names on the

patent was made through error that arose without any deceptive intention on the part of David Botstein, Audrey Goddard, David A. Lawrence and Margaret Ann Roy.

This Petition is also accompanied by a Consent of Assignee under 37 CFR § 1.324(b)(3).

Applicants' Request to Correct Inventorship under 37 CFR § 1.48(b), submitted August 7, 2002, appears not to have been made of record. If, despite the failure to process the Request, \$130.00 in fees were deducted under 37 CFR § 1.17(i), Applicants hereby petition the Commissioner to credit Deposit Account No. 07-0630 for such fees.

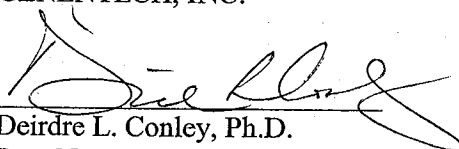
The Commissioner is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$130.00 to cover the petition fee required under 37 CFR § 1.324(a) as set forth in 37 CFR § 1.20(b), and to charge the deposit account for any fee deficiency. A duplicate copy of this Petition is enclosed for this purpose.

Respectfully submitted,

GENENTECH, INC.

Date: January 14, 2003

By:


Deirdre L. Conley, Ph.D.

Reg. No. 36,487

Telephone No. (650) 225-2066



09157

PATENT TRADEMARK OFFICE

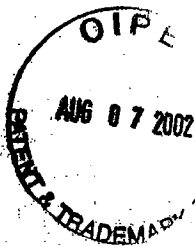
COPY

in re Application of: David Botstein et al.
Serial No.: 09/648,183
Filed On: 25 August 2000
Mailed On: August 1, 2002

Docket No.: P2533C1
By: Deirdre L. Conley
Reg. No.: 36,487

The following has been received in the U.S. Patent Office on the date stamped:

☒ Request to Correct Inventorship (dup)
☒ Amendment Under 37 CFR § 1.146 *1.332 + 2 pages enclosures.*
☒ Transmittal of New Drawings
☒ Drawings: 13 Sheets
 Informal ☒ Formal
☒ Issue Fee Transmittal Form (dup)
☒ Certificate of Mailing
☒ Fees: \$ 1280 & \$ 130



COPY

Patent Docket P2533C1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Diane Pennica et al. Serial No.: 09/648,183 Filed: 25 August 2000 For: CARDIOTROPHIN-1 DEFECTIVE MOUSE (AS AMENDED)	Group Art Unit: 1632 Examiner: E. Sorbello Express Mail Label No.: <u>EV 016 026 592 US</u> Date of Deposit: <u>August 7, 2002</u>
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REQUEST TO CORRECT INVENTORSHIP UNDER 37 C.F.R. §1.48(b)

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

This Request to correct inventorship is being made pursuant to 37 CFR §1.48(b).

Deletion of the following originally named inventors: David Botstein, Audrey Goddard, David A. Lawrence and Margaret Ann Roy, is hereby requested. The above named inventors' invention is no longer being claimed in the application as amended.

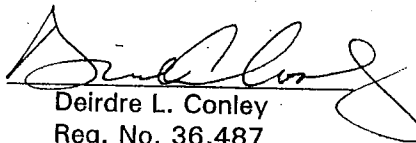
The correct inventors of the amended application are: Diane Pennica and William I. Wood.

The Commissioner is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$130.00 to cover the processing fees for this request as set forth in 37 CFR 1.17(i), and to charge the deposit account for any further fees in regard to this patent application. A duplicate copy of this Request is enclosed for this purpose.

Respectfully submitted,
GENENTECH, INC.

Date: August 7, 2002

By:


Deirdre L. Conley
Reg. No. 36,487

Telephone No. (650) 225-2066



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PATENT TRADEMARK OFFICE

COPY

Patent Docket P2533C1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of David Botstein Patent No.: 6,472,585 Confirmation No. 5740 U.S. Ser. No. 09/648,183 Issued: October 29, 2002 For: CARDIOTROPHIN-1 DEFECTIVE MOUSE	Examiner: Eleanor Sorbello EXPRESS MAIL LABEL NO.: EL 809 447 614 US DATE OF DEPOSIT: January 22, 2003
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CONSENT BY ASSIGNEE TO CORRECT INVENTORSHIP
UNDER 37 C.F.R. § 1.324(b)(3)

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

The assignee of record, Genentech, Inc., which is also the assignee of the parties submitting a Statement under 37 C.F.R. 1.324(b)(2), hereby consents to the change of inventorship in the above patent.

Respectfully submitted,
GENENTECH, INC.

Date: 1/21/2003

By: Sean Johnston *dlc*
Sean Johnston
Vice President - Intellectual Property
Telephone No. (650) 225-3562



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PATENT TRADEMARK OFFICE

#125963

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Patent Docket P2533C1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of David Botstein Patent No.: 6,472,585 Confirmation No. 5740 U.S. Ser. No. 09/648,183 Issued: October 29, 2002 For: CARDIOTROPHIN-1 DEFECTIVE MOUSE	Examiner: Eleanor Sorbello EXPRESS MAIL LABEL NO.: EL 809 447 614 US DATE OF DEPOSIT: January 22, 2003
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STATEMENT IN SUPPORT OF PETITION
TO CORRECT INVENTORSHIP IN PATENT UNDER 37 C.F.R. § 1.324(b)(2)

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

We, David Botstein, Audrey Goddard, David A. Lawrence, Diane Pennica, Margaret Ann Roy and William I. Wood, hereby say as follows:

1. An error in inventorship was made during the course of U.S. prosecution of the application resulting in the above patent by maintaining David Botstein, Audrey Goddard, David A. Lawrence and Margaret Ann Roy as co-inventors when the claims were amended during prosecution. We have no disagreement in regard to the change of inventorship proposed in the accompanying Petition to Correct Inventorship in the above-identified patent, i.e., to delete David Botstein, Audrey Goddard, David A. Lawrence and Margaret Ann Roy as co-inventors, and to name as actual inventors only Diane Pennica and William I. Wood.

2. The error in inventorship occurred without deceptive intention on our part.

Date: 1-8-03

By: 

David Botstein

Date: _____

By: _____

Audrey Goddard

Date: _____

By: _____
David A. Lawrence

Date: _____

By: _____
Diane Pennica

Date: _____

By: _____
Margaret Ann Roy

Date: _____

By: _____
William I. Wood



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2. The error in inventorship occurred without deceptive intention on our part.

Date: _____

By: _____
David Botstein

Date: Jan. 9, 2003

By: Audrey Goddard
Audrey Goddard

Date: _____

By: _____
David A. Lawrence

Date: _____

By: _____
Diane Pennica

Date: _____

By: _____
Margaret Ann Roy

Date: _____

By: _____
William I. Wood



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By: _____
David Botstein

Date: _____

By: _____
Audrey Goddard

Date: 1/9/03

By: David A. Lawrence
David A. Lawrence

Date: _____

By: _____
Diane Pennica

Date: _____

By: _____
Margaret Ann Roy

Date: _____

By: _____
William I. Wood



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Date: _____

By: _____
David Botstein

Date: _____

By: _____
Audrey Goddard

Date: _____

By: _____
David A. Lawrence

Date: 1-7-03

By: *Diane Pennica*
Diane Pennica

Date: _____

By: _____
Margaret Ann Roy

Date: _____

By: _____
William I. Wood



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Date: _____

By: _____
David Botstein

Date: _____

By: _____
Audrey Goddard

Date: _____

By: _____
David A. Lawrence

Date: _____

By: _____
Diane Pennica

Date: 1/8/03

By: [Signature]
Margaret Ann Roy

Date: _____

By: _____
William I. Wood



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By: _____
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Date: _____

By: _____
Audrey Goddard

Date: _____

By: _____
David A. Lawrence

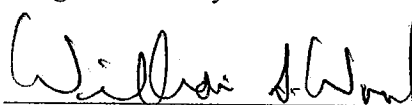
Date: _____

By: _____
Diane Pennica

Date: _____

By: _____
Margaret Ann Roy

Date: 1/7/03

By: 
William I. Wood



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